

NO MONEY IN SHGT FOR GRAFTERS

There has been a lot of comment about town over the fact that in making the appropriation of \$30,000 for legislative expenses in Hawaii, the Congress of the United States has made no provision that any part of this sum shall be expended for translating or interpreting. Evidently, Congress looks upon Hawaii as a part of the United States, whether the Home Rulers and the case an aid crowd of politicians generally do or whether they do not. The estimate in the bill upon which the appropriation was passed, as submitted by the Secretary of the Treasury, reads as follows:

"Legislative Expenses, Territory of Hawaii.

"For legislative expenses, namely: Furniture, light, stationery, record casings and files, printing and binding, indexing records, postage, ice, water, clerk hire, mileage of members, incidentals, stenographers and messengers for the fiscal year ending June 30, 1907:

"Provided, That the members of the Territory of Hawaii shall not draw their compensation of two hundred dollars for any extra session held in compliance with section fifty-four of an act to provide a government for the Territory of Hawaii, approved April 30, 1900, \$30,000."

LEGITIMATE EXPENSES.

That is, the money may be expended, provided the statesmen consent to forego their extra session grant and thereby save the Territory another \$9000 at the rate of \$200 a head for them, for furniture, lights, stationery, record casings and files, printing, binding, ice, water, clerk hire, mileage of members, incidentals (which does not mean interpreting or translating, by any stretch of elastic political conscience) pay of chaplain, clerk, sergeant-at-arms, stenographers and messengers.

These are the legitimate expenses of an American legislative session. None of the money can be expended for expenses that are not legitimate. It can not be drawn, if that is done. And, if it is attempted to be done by any subterfuge, the person or persons making the attempt will run up against the laws of the United States. Which are not nice to the malefactor. Not even a Territorial Legislature is as big as a Federal grand jury.

Perhaps this will bring up once more the old question of the existence in the Legislature of that anomalous condition which permits of the employment of interpreters, and the use of two languages and the consequent waste of time where one language should serve. There can be no question that this condition was never contemplated in the creation of the Territory. The land is American, and there is but one official language in America.

GRAFTERS BEATEN.

Also, it will knock out the grafters in one round. The graft in the Legislature of Hawaii has been various in time past, but the worst of it and the most of it has attached to the twin evils of interpreting and translating. A crowd of unworthies has thriven upon this graft, at each session, and has come pretty close to living from one session to the next upon the profits of its nefarious schemes. If the Territory is to accept Uncle Sam's gift, this kind of thing will have to stop—or the Legislature will have to make a brazen appropriation for the grafters.

It will not be an expense that can be hidden under any other. Also, if the gift of the United States is to be accepted, the double language business is mighty apt to be done away with, to enable the Legislature to get through its business in sixty days, and earn the money—and the nine thousand additional. If the proceedings were all in English there would be no question about the ability to finish up the work in the time set. And so it will be seen how much of a benefit Delegate Kuhio has conferred upon the Territory in securing the passage of this legislative appropriation bill. He was the first to agitate it, and the credit properly belongs to him.

RIGHT OF WAY CLAIM SET UP

Wahiawa Water Co., Ltd., by its attorneys, Bullen & Marx, file an answer in the Court of Land Registration to the petition of Martha E. Holloway. Its prayer is that the certificate of title issued may be made subject to a permanent right of way granted by T. L. Holloway and others to this respondent for its ditches and water courses across the land at Wahiawa in question. The deed of such right of way, given for a valuable consideration, was dated April 18, 1903, and recorded December 12, 1904. It is further shown that by deed of August 27, 1902, Holloway conveyed the land to W. P. Thomas, and that by deed of January 22, 1903, Thomas conveyed the land to the petitioner, Martha E. Holloway. Then it is alleged:

"That notice of said deeds were put on record until September 9, 1905, and that said Wahiawa Water Company, Limited, had no actual notice of either of said conveyances until the recording thereof;

"That said conveyances from said T. L. Holloway to said William P. Thomas and from William P. Thomas to Martha E. Holloway are void under the provisions of Section 2249, Revised Laws of Hawaii, as against the rights acquired by said Wahiawa Water Co., Limited, under the aforesaid conveyances from said T. L. Holloway and others to it."

NEW TRIAL IS REFUSED

(From Saturday's Advertiser.)

In a lengthy oral decision rendered late yesterday afternoon, Judge De Bolt overruled the motion for a new trial made by defendants in the indictment suit of C. A. Brown against John D. Spreckels and others.

Mr. Kinney noted exceptions and the case will bob up again in the Supreme Court.

The hearing on plaintiffs' bill of costs—a large one covering six jury trials and some appeals decided by the Supreme Court—was set for this day two weeks at 9 a. m. Mr. Magoon fought for an earlier hearing, but the court thought the time given only reasonable.

JURY'S MISCONDUCT.

Judge De Bolt started with his decision immediately on the conclusion of argument which had taken the regular court hours of two days. Technically the motion for a new trial was based on alleged "misconduct" of the jury. This, as Mr. Kinney urged, consisted in the jury's disobedience of the "admonition of the court" not to read the evening papers of March 7 or the morning paper of March 8, particularly that part of their contents which gave Judge De Bolt's remarks to counsel. In the absence of the jury, intimating a possibility that if a verdict were returned for the defendants he might grant a motion for a new trial. These remarks were made while the court was overruling a motion for a directed verdict for the plaintiff.

The court's remarks, moreover, when their publication was made known in open court were the occasion of a scene between counsel one afternoon, and explanations demanded and given, followed by an exchange of apologies and restoration of serenity the following morning. Then the case went to the jury, resulting after some hours in a blanket verdict for plaintiff.

DISCOVERIES.

Shortly afterward counsel for defendants made discoveries which caused them to repent of their concessions regarding the new remarks. They filed a motion for a new trial, backed by affidavits to show that the publication of the Judge's "remarks" was not so innocent as they had conceived and conceded.

Counter-affidavits were filed in profusion, including a batch from all of the twelve jurors, individually, saying that the court's "remarks" had not influenced their verdict. Then, yesterday morning, Mr. Kinney filed—Mr. Magoon strongly resisting—responsive affidavits from two of the jurors to the effect that they really had been influenced and that their previous affidavits were in a manner coerced. One went so far as to say that six jurors were holding out for the defendants, but that the other six metaphorically put their backs against the stone wall of the court's "remarks."

HISTORY OF TROUBLE.

Judge De Bolt gave a detailed history, partly from the record and the rest from the best of his recollection, of the facts and circumstances bearing on the motion. He made the admitted remarks while cutting Mr. Lightfoot short in arguing for a directed verdict, by way of explanation to him for not desiring a conclusion of his argument while ruling against him. As a matter of fact, he having followed the case closely from day to day, he was strongly impressed with the force of Mr. Lightfoot's argument, yet all things considered thought the jury should be allowed to decide the facts. At the time he made the "remarks" only two or three spectators were present, and especially no newspaper reporter.

When he discovered that the remarks had appeared in an afternoon paper Judge De Bolt, to the best of his recollection, was coupling with the usual admonition to the jury, on dismissing them over night, a request that they should not read any of that day's evening papers nor the morning paper of the following day. While doing so Mr. Kinney intervened with a statement that the defendants had no objection to the jury's reading the papers. "We do not ask for such an order, we will take our chances," is what the court recollected Mr. Kinney to have said. This was after a scene brought on by a remark of Mr. Kinney's, "The hand that snipped that photograph is the hand that put that article in the Bulletin."

Mr. Stanley, of plaintiff's counsel, next morning reopened the sore by asking for an investigation. The court at first thought it was not important enough a matter for discussion, saying, "You gentlemen are trying to make a mountain out of a molehill." However, witnesses were called who cleared the plaintiff and his counsel of collusion in the publication and, after an exchange of apologies between Kinney and Magoon, "everything appeared smooth and serene," as Judge De Bolt now put it.

His conclusion was that Mr. Kinney had distinctly waived objections to the jury's newspaper reading.

Arguments were finished. The court gave its instructions and concluded by endeavoring to bring to the minds of the jurors their duty "totally to disregard the publications in the newspapers and not to be influenced by anything but the law and the evidence." This completed the history.

THE FINDINGS.

Judge De Bolt then delivered his findings as follows, here very much condensed:

Neither plaintiff nor his counsel were in any way responsible for the publication he believed counsel for defendants had now got that into their heads. The "remarks" were not intended to be published but they were published and he placed blame on nobody.

VERDICT WAS JUST.

One element to be considered was whether the verdict was just or unjust. (Continued on Page 13)

SOLD MEN TO NAME THE DELEGATE

(From Sunday's Advertiser.)

"There is a building that is a credit to the town. Seven stories on the King-street front, and every one of them rented!"

The shrill small voice of the Sage of Kaneohe rose perching above the din of Chinatown in harmonious accord with the strident notes of the orchestra in the Japanese theater over against Ala Park as Senator L. L. McCandless stood at the mauka corner of King and River streets in charmed contemplation of his handsome brownstone front row across the way.

"Oh, politics!" he said, being interrupted in his rhapsody. "I suppose it is beginning to warm up a little. Some of the fellows are warming up a little, anyhow. I am improving the Fifth District, myself. And I think that row across there is a long way ahead of a hole in the ground. Remember the hole in the ground that used to be on that corner?"

"Will I be a candidate for Congress? Well, I'll tell you. The planters and the business men of Honolulu will name the candidate for Delegate. What would be the use of me getting in and scrambling for a nomination? I will wait and see how the planters and the business men feel. If they will support me, then I will be a candidate. If they are for Kuhio, that ends it."

ENOUGH OF KUHIO.

"The planters and the business men will have the say. If they are for me, I will be in the race. If I am not good enough for them, let them name some other man, and I will support him fully and freely."

"But Kuhio should not be sent there again. That is sure." And then the Senator resumed his admiring contemplation of those seven stories with brownstone fronts, every one of them rented. It was, on the whole, perhaps, more profitable to contemplate than any political prospect. Rents are sure—especially when paid in advance. And politics? Well, said the bad Mr. Achi or the good Mr. Jim Quinn.

And that brings the tale around again to that little Lane Sunday school class, which has come out once more and announced its own political purity in the organ of the entirely good and pure. Really, if the little Lane chaps have a fault, it is that they do protest too much. Fancy Charley Clarke standing on the street corners and telling a perspiring crowd of charmed and enthusiastic admirers how good he is! When everybody knows, too?

MOILLILI MEETING.

The little Lane chaps, by the way, had a meeting last Sunday. It is said, too Moillili way. Perhaps it was not last Sunday, but it was somewhere along about that time. And that is getting dangerously close to Mr. Gear's Zoo, for that kind of people. They should remember the fate of the Zebu of sacred memory.

Maybe they only went out to Moillili because they wanted to hold their exercises, and sing their hymns in some retired spot, far away from the palms that droop and fade along the Cuhua alley. That alley is getting to be too darned popular for a meeting place for politicians who went to go moping around for virtue in the dark, when nobody is noticing, letting neither their left hands nor their left feet know what their right hands and feet are doing.

Maybe they are like Missouri river catfish, preferring dark and murky places. However it may be, or whatever the motive, the little Lane chaps did meet at Moillili, and the meeting is said to have been marked a shining success. The wicked Mr. Achi has not even heard of it yet.

Whether Sam Johnson has heard of it, is another question. Sam used to have a jackass corral out Moillili way, and if that corral is there now it is likely that its occupants have told Sam about the gathering of the other ones.

ASTUTE MR. VIDA.

They were saying around the Fish-market late yesterday afternoon that Henry Vida had been reading the Advertiser and had detected the motive of Sheriff Brown in asking Ned Crabbe to resign from the police force. It is a mighty queer thing, if it is true. It is not doubted that Mr. Vida can read, to be sure, nor that any ordinary man could have detected the Sheriff's motive without even the Advertiser to help him out. But Henry is a detective! That is different.

The Sheriff's explanation of that Crabbe incident, by the way, is about as funny as anything that has happened in Honolulu for a long time.

"It is but natural," the Sheriff is quoted as saying, "that Crabbe should want to work for his father for Sheriff. To do this he will necessarily have to discredit me."

Now, what do you think of that? If Ned Crabbe attempt to dare to line-up with the members of the grand jury, and those people, and to exercise his perfectly natural right to work for the nomination of his own father, he can not hold a job on the police force. And that is notice to all the others that it is more important that they should not try to discredit the Sheriff than that they should try to earn the money the taxpayers give them for working. The police belongs to the Sheriff. They are his men—not the people's. The sooner they realize that, the safer their jobs will be, and that is an April fool dream.

The Sheriff went farther. "He was very frank and manly about the whole matter," he is quoted again, still speaking of Ned Crabbe, "and I like him for it. Under the circumstances,

DEATH IN THE LIGHTNING'S FLASH

A sad fatality of an extraordinary nature took place from lightning during a thunderstorm on the pali on the east side of Honouliuli gulch near the boundary of Kohala and Hamakua districts, on the northwest coast of Hawaii.

One afternoon lately, about 1 p. m., three native boys, Waihihelehookahi (18), Kaawalan (15), and Kaikapu (10), brothers, with their brother-in-law, a man named Solomon, were returning from the mountain trail being made at 1900 feet elevation by the Kohala Ditch Co., Ltd., to their home near the sea. They were running, their movements being expedited to avoid a wetting from a heavy rain and thunder storm which had just sprung up; and the boys ran ahead of the adult shouting with glee at the violence of the elements. The older sought some clothing in a native cabin on the bluff 1200 feet above the sea which was wrecked by the wind storm of some months ago, while the two younger brothers took shelter from the rain on the lee side of the house. Suddenly a violent thunder shock and stroke of lightning came and all three were stricken insensible. The older man, who was a hundred yards higher up the mountain at the time, saw the flash of the lightning and rushed towards the cabin, only to find all three boys apparently dead. He then rushed down the steep pali side to the valley, to get help to move the boys from the couple of native inhabitants who live there. The youngest brother, Kaikapu never recovered from the shock and was buried in the valley of Honouliuli by his sorrowing relatives. The lightning struck him in the side of the head a little forward of the ear and penetrating right through his brain, escaped on the opposite side. The hair was also burned from the back of his head and his body was covered with black and blue scars. He was wearing a cloth cap and his clothes were wet at the time of the accident.

The clothes of the older boys were also wet and were torn into shreds by the lightning, but they were both wearing straw hats at the time. Their bodies are scarred with curved seams of discolored flesh where the electricity tracked through their systems, and the hair in the back of their heads is singed. They recovered from their insensibility in about four hours and are now apparently in perfect health, bearing no ill effects of their strange experience other than seared scars of burned flesh. Kaawalan bears a crow's foot zigzag mark, about 18 inches long, on his back below the shoulder, from his lightning experience.

Both surviving brothers are now (28th March) in perfect health and have consulted a doctor in Kohala as to their experience. There was no copper or iron roofing about the cabin other than some iron cooking utensils. Two dogs, companions of the boys, seemed to have altogether escaped attraction from the "juice." In the vicinity of the iron-roofed camps of the vicinity of the accident and for eighteen miles along the mountain side, are Ditch Co., housing 600 men. Not one of these men was affected by this extraordinary storm.

It is a pleasing contemplation that there has been some frank manliness in the affair, somewhere. Ned Crabbe is to be congratulated. It is different, as to the people of the County of Oahu. They are made to pay for the greasing of the machine which is relied upon to help out the promise-breaking faction at the forthcoming primaries, and like Jack Lucas' Nuanu suckers, will thus pay for their own undoing.

And that brings things around to Kuhio again, and to a somewhat remarkable inference drawn by an afternoon paper the other day to the effect that Alex. Robertson himself might be for Kuhio, on a show down. It is but justice to Mr. Robertson to say that the evening paper did not accuse him of saying anything from which the inference could be drawn. On the contrary, all that the afternoon paper charged to the chairman of the Territorial Committee was a persistence in his "burst of silence."

And there are times when a burst of silence is the wisest indulgence a politician can give himself. Many a man has gained great wisdom thereby, who, of a truth, was silent merely because he could not think of a thing in the world to say. That does not alter the fear humanity has of the man who keeps still, and looks wise. He might say such a devil of a lot, you know, if he ever did open his mouth.

ALEX. THE SILENT.

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A REMEDY THAT IS TRULY MAGICAL IN ITS POWER TO RELIEVE PAIN.

Mr. Lewis Rozario, Manager of Madras Co-op. Stores, of Madras, India, says: "I certainly think Chamberlain's Colic, Cholera and Diarrhoea Remedy is one of the best medicines made. I had been suffering from an attack of colic and after trying a couple of prescriptions without relief, a friend suggested that I take Chamberlain's Colic, Cholera and Diarrhoea Remedy. I did so and the result was truly magical for it gave me immediate relief. About that time several of my staff were attacked in a like manner and out of this same bottle I cured them all." For sale by all Dealers and Druggists, Hensch Smith & Co., Ltd., Agents for Hawaii.

GRAND JURY ON GAMBLING

(From Saturday's Advertiser.)

Yesterday at noon the grand jury of the January term of the First Circuit Court filed into Judge Robinson's courtroom and, after presenting the following report—with eight indictments for the secret file—were discharged with remarks by the court cordially appreciative of their services:

"FINAL REPORT OF GRAND JURY."

"Now comes the above-named grand jury and desires to report to your Honor, the presiding Judge at term, as follows:

"Having been duly sworn and charged by His Honor W. J. Robinson, Third Judge of this court, they duly retired for the purpose of considering cases duly coming before it. That a report of bills and no bills of indictment found accompanies this report, hereto attached and made a part hereof. Consideration of criminal cases barely took one day each week, as is evident by the number of criminal cases considered.

"Relative to gambling in Honolulu, within this circuit, we have the following to report:

"GAMBLING."

"We have made an investigation into alleged gambling being conducted in this city, and find that the most serious of the games being run is the lottery known as 'che-fa.' At the beginning of our inquiry there were two banks running full blast, each having two drawings daily, and the winning word for each of these banks for each drawing was being almost publicly announced. Tickets for this lottery were being purchased by both sexes of practically all nationalities, and the amount of money staked each day must have reached thousands of dollars. This is shown by the fact that the agents' tickets deposited at only one of several designated places, for one drawing, represented an amount exceeding \$500. Agents of these banks were located in all parts of the city, and in many instances openly solicited residents to purchase chances.

"These banks are no longer doing business as far as we can ascertain, and it is to be hoped they will remain closed, for they are a serious menace to the moral and financial welfare of the community. As the efforts of the grand jury in getting at the root of the gambling evil have resulted in the cessation of these games and the closing of the che-fa banks, it is now up to the proper authorities to be alert in their duties, as by so doing the gambling games and che-fa banks can be kept forever closed.

"Operating as a grand jury it was extremely difficult to obtain sufficient evidence to indict in che-fa cases, due to the cessation of the games upon our institution of the investigation, but we firmly believe that constant vigilance and vigorous prosecution on the part of the proper authorities will result in the desired end being attained. The amounts placed in these banks reach such vast proportions that the grand jury feels that this community should be informed and become aware of the menace which this evil presents, in order that it in future insist upon the stamping out of these nefarious institutions. We believe this can be accomplished by the means above suggested, and by the infliction of the maximum penalty provided by law in cases where conviction may be obtained.

"In this connection we also desire to report that valuable assistance would have been rendered this grand jury had the Supreme Court, after its decision in the case of Y. Ah Nin, amended its rule governing the proceedings of grand juries, so that an oath of secrecy might lawfully be administered by the grand jury to witnesses appearing before it. Without such an oath it is often impossible to accomplish the object intended by the inquiry or investigation and the work of the grand jury is unnecessarily hampered and impeded.

"In conclusion, we desire to express our appreciation of the able assistance and cooperation by the Attorney General and his efficient staff during the course of our investigations.

"Respectfully submitted."

(Signed) "W. A. Bowen, foreman; Quintus H. Berry, R. L. Gilliland, W. H. Helme, F. E. Blake, Elmer E. Paxton, J. J. Byrne, J. S. Low, Aug. Ahrens, F. M. Lewis, J. T. Holladay, James W. Robertson, Chas. S. Wright, Wm. Mutch, S. C. Dwight, Clinton J. Hutchins."

ARRAIGNED FOR INFAMOUS CRIMES

W. S. Fleming, Deputy Attorney General, presented the indictments against the various defendants in the final report of the January term grand jury before Judge Robinson yesterday. Results were as follows, all the cases, of course, being continued to the April term:

Hirota, Narahara, Ueno and Hioki, conspiracy in first degree to commit assault with deadly weapon. Plea reserved and bail fixed at \$1000 each. J. W. Cathcart for defendants.

Haleman, murder in first degree for killing Ching Kau on March 2. Plea not guilty.

Martindell and Watkins, larceny in second degree for stealing \$5 from Juana Patrona. Plea not guilty as to each defendant.

H. G. Lindell, an unnatural crime. Plea not guilty. W. T. Rawlins for defendant.

Ben Keanu indicted for a social offense, had not been arrested. A new warrant was issued, the case month being moved in the calendar. Waihihelehookahi, assault with a dangerous weapon—a stick held in his hand, upon Maleka Mokuahi. Plea not guilty. A. G. Kaulukou for defendant.

TO MAKE TEST ON WITNESS FEES

A test case is to be made to decide whether the Territory or the counties shall pay the expenses of witness in criminal cases. Perhaps the validity of the County Act may be called in question, but that is unlikely.

The question as to the payment of witnesses is a great question, although it is contained in this instance in a very small bill. The expense, in fact, is something like fifteen dollars, and it was incurred by Chief Clerk Buckland, of the secretary's office, who was ordered by his chief to go down to Kauai a couple of weeks ago to be a witness and as the custodian of record documents in the case of the Territory against Kaneali, the Garden Island Supervisor accused of forgery in the securing of signatures to his election petition.

Kaneali was acquitted, and when Chief Buckland returned he put in a bill for his expenses as a witness, which he had been ordered to do. This claim was rejected by Territorial Auditor Fisher. It was passed up to the Attorney General's department, where it was supposed to properly belong, and with a view to making a test case, Attorney General Peters promptly refused to pay it.

THE COUNTY ACT.

It seems that when the law was passed to finance the counties, the Legislature considered that all criminal business, the prosecution of criminals and the conduct of criminal cases, should become the duty of the County Attorneys, and so cut out from the allowance of the Attorney General's office the appropriation of seven thousand dollars out of which witnesses and their expenses in criminal trial had heretofore been paid. This left the Attorney General but a small allowance for witness fees in civil cases, and \$500 for incidentals. The County Act provides that the County Attorney shall be a deputy of the Attorney General, but it also provides as follows under Chapter 21:

"Section 90: The County Attorney is the public prosecutor for the County in which he shall have been elected and he, or his deputy, shall:

"1. Attend the Circuit Court in and for said county and conduct on behalf of the people all prosecutions therein for offenses against the laws of the Territory of Hawaii and the ordinances of the Board of Supervisors of the County."

That is the provision of the Act. Everybody at all familiar with local conditions knows that the county attorneys have done nothing of the kind, and that the Attorney General has been compelled, in the interest of law and order, to keep the matter of criminal prosecution in the Circuit Courts in his own hands.

If this had not been done, there would have been a condition in Hawaii now bordering very closely upon anarchy. County Attorney Dan Case of Maui is the only one who has ever shown any very strong purpose to act as public prosecutor, in fact. And if he had not been called away to Washington so suddenly, a test case might have come from Maui.

WANTS A TEST.

"I have been trying for a long time to get a decision on this point from the Supreme Court," said Attorney General Peters, yesterday. "If I have to sign vouchers paying the expenses of witnesses in criminal cases, I want the backing of the Supreme Court in doing it. My office has no fund from which these expenses can be paid. I do not want to face the next Legislature with a big deficit on this account unless I have a Supreme Court decision at my back. And so this case is to see whether the counties or the Territory is to pay these witnesses. And I don't want people to keep on giving credit to the Territory when there is no money in sight to pay the bills. The agreed statement of facts will be prepared next week, and we will invite all the county attorneys to come into the Supreme Court and argue the matter, if they see fit."

And so John Cathcart has been retained to represent Chief Clerk Buckland in the test case that is to be prepared in the form of a mandamus proceeding to compel Attorney General Peters to sign the claim of Buckland for his expenses as a witness. And if the Supreme Court holds that the Territory must pay, then the next Legislature must make proper provision for the matter in future, and the County Attorneys will become rather more ornamental even than they are now. If the counties must pay, it will relieve the Territory of a burden.

dangerous weapon—a stick held in his hand, upon Maleka Mokuahi. Plea not guilty. A. G. Kaulukou for defendant.

Shirishli, assault on Osana Morita with intent to commit murder—a loaded pistol being the weapon. Plea reserved. W. T. Rawlins for defendant. Hihune Hoopal was arraigned for a felonious assault, carrying a maximum penalty of imprisonment for life and a fine not exceeding one thousand dollars. Defendant pleaded guilty and was sentenced to be imprisoned at hard labor for five years and to pay a fine of \$100. Hoopal did not want a lawyer and said he supposed he should be hanged. He served a term before for a similar offense committed on Maui, also two years for larceny. While working with the chain gang in a quarry one time a dynamite accident caused him the loss of an arm. The victim of the felonious act for which he was now again to the penitentiary was an aged Portuguese woman named Maria Jenu.